

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

To: All Commissioners

At: Sacramento

From: Executive Officer

Date: June 4, 1962

**Subject: Proposed Agenda - Commission Meeting
Mark Thomas Inn, Monterey
June 8, 1962 - 9:00 A. M.**

1. Call to Order.
2. Approval of Minutes of March 2, 1962.
3. Approval of Expense Claims.
4. Financial Report.
5. Senate confirmation of Commissioner McCann's appointment.
6. Certification of Schools.
 - (a) Imperial Valley Peace Officer Academy.
7. Assignments pending from last meeting.
8. Awards.
 - (a) To jurisdictions adhering to standards 1961-62.
 - (b) San Diego County.
9. Attorney General's Opinions.
 - (a) Contract cities.
 - (b) Certificates and Awards.
 - (c) Temporary Employees.
10. Operation P. O. S. T.
11. Progress Report - June 30, 1962.
12. U. S. Senate Bill 2984.
13. Date and Place of next meeting.
14. Adjournment.

Gene
GENE S. MUEHLEISEN

16th
State of California
Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

June 8, 1962
Monterey

The meeting was called to order at 9:25 A.M. by Chairman McDonnell. A quorum was present:

MARTIN C. MC DONNELL, Chairman
ROBERT T. ANDERSEN, Vice Chairman
HOWARD W. CAMPEN
JAMES V. HICKS
LOHN R. FICKLIN
WILLIAM J. MC CANN
ROBERT S. SEARES

Absent: ALLEN B. COTTAR
DAN KELSAY
GEORGE H. BRERETON, representing the Attorney General

Also Present:

MERRILL GAFFNEY, Executive Secretary, California Peace
Officers' Association
GEORGE PEYTON, Coordinator, San Jose City College
GENE S. MUEHLEISEN, Executive Officer
GEORGE H. PUDDY, Assistant to the Executive Officer
ESTHER H. LEVIN, Stenographer

APPROVAL OF MINUTES

There being no corrections or additions, the minutes of March 2, 1962 were declared approved as mailed to all Commissioners.

APPROVAL OF EXPENSE CLAIMS

The following travel expense claims of the Executive Officer were declared approved by Chairman McDonnell upon the motion of Seares, seconded by Andersen:

| | | |
|-----------------------------|---|---------|
| March 2 thru March 29, 1962 | El Centro, San Diego, Los Angeles, Anaheim, Santa Ana, Orange & Marysville. | \$99.76 |
|-----------------------------|---|---------|

| | | |
|-----------------------------|---|------------------------------|
| April 4 thru April 30, 1962 | San Mateo, Folsom, Berkeley, San Diego, Grossmont, El Cajon, Los Angeles, El Centro, Brawley & Costa Mesa. | \$165.05 |
| May 6-7, 1962 | Grants Pass, Oregon | (\$ 92.55) Paid by Oregon |

At the request of the Chairman, the Executive Officer gave a brief progress report on the Oregon Program.

FINANCIAL REPORT

Peace Officers' Training Fund Report for the Month of May, 1962:

Revenue

| | |
|------------------------|------------------|
| Balance April 30, 1962 | \$636,081.19 |
| Revenue - May | <u>24,474.29</u> |

TOTAL REVENUE

\$660,555.48

Expenditures

| | |
|--|-----------------|
| Salaries | \$ 2,803.00 |
| Travel & Commissioners' Expense | 365.50 |
| Other Operating Expense | 482.19 |
| State Employees' Contingency Res. Fund | 3.14 |
| Contributions for Basic Health Plan | 15.00 |
| Employees Retirement Fund (March & Apr.) | 438.56 |
| Plan of Financial Adjustment | <u>2,218.67</u> |

TOTAL EXPENDITURES

\$ 6,326.06

BALANCE May 31, 1962

\$654,229.42

Encumbrances 1962 Period of Allocation

| | |
|--------------------------------|--------------|
| Balance of Fund - May 31, 1962 | \$654,229.42 |
|--------------------------------|--------------|

Encumbrances - Reimbursements to Jurisdictions

| | | |
|-----------------|------------------|--------------|
| July, 1961 | \$48,960.10 | |
| August, 1961 | 38,173.33 | |
| September, 1961 | 21,879.18 | |
| October, 1961 | 59,042.28 | |
| November, 1961 | 49,049.61 | |
| December, 1961 | 13,745.30 | |
| January, 1962 | 48,068.31 | |
| February, 1962 | 40,813.77 | |
| March, 1962 | 27,292.15 | |
| April, 1962 | 43,933.81 | |
| May, 1962 | <u>45,204.37</u> | \$436,162.21 |

Encumbrances - Administrative

| | | | |
|-----------------------------|-----------------|------------------|-------------------|
| July, 1961 thru April, 1962 | 42,065.61 | | |
| May, 1962 | <u>6,326.06</u> | <u>48,391.67</u> | <u>484,553.88</u> |

| | |
|------------------------------|--------------|
| NET BALANCE OF FUND - May 31 | \$169,675.54 |
|------------------------------|--------------|

Revenue Comparison

| | | | |
|---------------------------|--------------|---------------------------|--------------|
| July, 1960 thru May, 1961 | \$304,652.35 | July, 1961 thru May, 1962 | \$346,707.79 |
|---------------------------|--------------|---------------------------|--------------|

Encumbrance Comparison
(Jurisdiction Reimbursements)

| | |
|--------------|--------------|
| \$ 83,655.51 | \$436,162.21 |
|--------------|--------------|

Motion by Andersen that the Financial Report be filed. Seconded by Ficklin and carried unanimously.

A discussion followed pointing up several advantages of placing the annual period of allocation on a calendar year rather than the present fiscal year. It was noted that the Commission originally planned to operate on a calendar year and did not do so because there were no jurisdictions eligible at the end of the first calendar year which would have ended December 31, 1960.

Motion by Ficklin that the Chairman direct the Executive Officer to contact the State Controller and others to determine whether there are any technical or legal obstacles in changing to a calendar year. Hearing no objections, the Chairman directed the Executive Officer to look into the matter.

SENATE CONFIRMATION OF COMMISSIONER MC CANN'S APPOINTMENT

The Executive Officer reported that on March 27, 1962 the Senate confirmed Commissioner McCann's appointment for the term ending September 18, 1962.

CERTIFICATION OF SCHOOLS

Following a briefing on the facilities, hours, instructors and highlights of the Imperial Valley Peace Officer Academy, the school was declared officially certified by the Commission upon the motion of Ficklin, seconded by Hicks.

ASSIGNMENTS PENDING FROM LAST MEETING

The Executive Officer reported that the following assignments pending from the last meeting were completed:

1. Administrative support expenses reflected in Financial Report.
2. Letters of appreciation forwarded for Survey on "Tenure of Officers Trained under Program" (Sacramento State, Russell McComb, Willard Hutchins).
3. Reply made to Mr. John P. Peper regarding training of auxiliary police officers.
4. Bulletin on "Policy for Pre-Service College Training" mailed.
5. Bulletin on "Each and Every" Policy mailed.

AWARDS

The subject of issuing the Commission's certificate as an award to complying jurisdictions was discussed.

There was unanimous agreement that the award would not be reissued for each year of compliance. It was suggested that some type of special award be issued every five or 10 years. It was agreed that the award be something more elaborate than the Commission's certificate. McCann suggested a perma-plaque and Campen stated he would provide a sample plaque for consideration.

The Chairman appointed Campen and McCann as a Sub-Committee to work with the Executive Officer on the design of the award.

A discussion ensued as to whether cities and counties which meet the standards and are not taking part in the financial benefits should be entitled to the award for adherence. The City of Covina was used as an example. Covina exceeds both the standards for recruitment and training. They wish to cooperate with the Commission in every respect and have authorized the Commission to inspect their procedures at any time to determine whether or not they are adhering to the standards. Because of a firm policy of their City Council, they do not wish to take part in the financial program and will not enact an ordinance of adherence. They will agree, however, to pass a motion indicating they will adhere to the standards and invite the Commission to conduct inspections from time to time. The City of Covina requests some type of award or certificate from the Commission indicating their compliance with the Commission's standards and objectives of the Program.

All of the Commissioners agreed that cities adhering to the standards should receive an award of recognition; however, the legality of such recognition without the passing of an ordinance was questioned. The Chairman instructed the Executive Officer to contact the Attorney General's office for an opinion on this subject.

ATTORNEY GENERAL'S OPINIONS

The Executive Officer reviewed the following Attorney General's opinions, copies of which had previously been furnished to the Commissioners:

1. "Contract Cities" - Opinion dated March 15, 1962.
2. "Certificates and Awards" - Opinion dated May 16, 1962
3. "Temporary Police Employees" - Opinion dated May 16, 1962.

A discussion took place on the temporary employee's opinion and it was unanimously agreed to give this opinion a broad and liberal interpretation.

CITY OF MERCED REQUEST FOR WAIVER

The Executive Officer referred to a letter from the City of Merced dated May 31, 1962 in which the Commission was requested to waive the 18-month limit for two officers who failed to obtain their training in the prescribed time.

Motion by Campen, seconded by Hicks and unanimously carried that an appropriate letter be sent to the Chief of Police of the City of Merced to the effect that the law does not permit us to grant a waiver in this type of situation.

PROPOSED CHANGES IN THE RULES AND REGULATIONS

Motion by Campen, seconded by Ficklin and unanimously carried that the Executive Officer prepare such items which he believes should be discussed by the Commission as proposed changes or additions to the Rules and Regulations and submit the list of suggested changes and additions to the Commissioners prior to the next meeting.

OPERATION P. O. S. T.

The Executive Officer reported that the "Operation P.O.S.T." Committee held its first meeting in Sacramento on May 16, 1962. Representatives of the following agencies were present:

| <u>Organization</u> | <u>Representatives</u> |
|--|--|
| Commission on Peace Officer Standards and Training | Gene S. Muehleisen George H. Puddy |
| League of California Cities | Howard Gardner |
| County Supervisors' Association | Thomas A. Nolder |
| California Taxpayers' Association | Bruce T. Olson |
| Peace Officers' Association of California | Edward A. Toothman Addison H. Fording Merrill Gaffney |
| PORAC | William Lovejoy (in lieu of Dave Hoyt) Robert D. Cutts |

As part of the Operation P.O.S.T. Report, the Executive Officer presented the following briefing on the status of the Program.

| <u>1960</u> | | <u>Today</u> |
|-------------|----------|--------------|
| 61 | Cities | 217 |
| <u>11</u> | Counties | <u>24</u> |
| 72 | Total | 241 |

| | <u>No. Jurisdictions</u> | <u>Population</u> | <u>Percent</u> |
|--------|--------------------------|-------------------|----------------|
| Do | 241 | 14,092,635 | 86% |
| Do Not | 193 | 2,352,365 | 14% |
| Raised | 169 | 4,185,443 | 25% |

The ideas and recommendations of the Committee were reported to the Commission. Details of the briefing are reflected in the minutes of the Operation P.O.S.T. Committee meeting dated May 16, 1962.

The following additional suggestions concerning "Operation P.O.S.T." were offered by the Commission:

1. Campen suggested that the Chairman give a brief report at the next meeting of the County Supervisors' Association to be held at Disneyland in November.
2. Chairman McDonnell suggested that our philosophy be to reward those who comply rather than criticize those who do not comply.
3. Andersen suggested that the annual list of jurisdictions receiving benefits be forwarded to individual supervisors.
4. Campen suggested distribution of the list at the earliest possible date, preferably early in July.
5. Hicks requested the Executive Officer to hand out the Sacramento check at a City Council meeting.
6. Campen suggested that the initial check be presented to the legislative body of each city or county.
7. Andersen suggested a report covering those receiving financial aid could be distributed to members of the Board of Directors of the County Supervisors' Association when they meet in Sacramento on August 29, 30 and 31, 1962. The reports to individual Supervisors could then be forwarded.

8. Chairman McDonnell gave an example of the technique used in his city upon receipt of the check. A verifax copy of the check was made and forwarded with a brief report to each member of the City Council at his home. In addition, the City Manager discussed the check at some length in an open City Council meeting attended by over 200 citizens.
9. McCann suggested a sample news release be prepared for use by jurisdictions receiving checks.

PROGRESS REPORT

A discussion took place covering the following:

1. Whether a formal progress report should be prepared, printed and distributed by the Commission.
2. The extent and cost of the report.
3. The purposes for which the report would be used.

During the discussion the following suggestions were made:

That consideration should be given to several types of reports or brochures, specifically designed to fill the needs and to appeal to certain groups. Included in these groups would be:

1. City Councilmen, County Supervisors and members of the Legislature.
2. High School and Junior College students considering careers in law enforcement.
3. The general public and any other interested individuals and organizations.

There was unanimous agreement that the reports not be elaborate. The urge for priority on a report for legislators was discussed and the Chairman directed the Executive Officer to submit ideas for approval to a sub-committee consisting of the Chairman, Ficklin and Campen.

U.S. SENATE BILL 2984

U.S. Senate Bill 2984 was discussed at length and the following action was taken:

Motion by Ficklin, seconded by Campen and unanimously carried that the following resolution be adopted:

"WHEREAS, Senate Bill 2984 was introduced in the Senate of the United States on March 13, 1962 to establish a matching grant program to be administered by the Secretary of Health, Education and Welfare to improve the education, training and recruitment of State and local police forces; and

"WHEREAS, The California Commission on Peace Officer Standards and Training was created by the California Legislature in 1959 to raise the level of competence of California peace officers through the establishment of minimum standards for recruitment and training and since that time the Commission has actively conducted a matching fund type program for the improvement of California peace officers, the training of said officers taking place at 33 certified police academies and numerous police colleges throughout the State of California; and

"WHEREAS, The Commission has carefully examined Bill S. 2984 and offers the following opinions:

1. The bill violates a well established principle of government in that it anticipates direct transactions and relationships between the highest and lowest levels of government, disregarding State government.
2. Regardless of Section 4 of the Act, the likelihood of control of local and State police by the federal government portends through establishing federal authority to approve or disapprove programs covering selection tests, recruit standards, training in methods of crime detection and in principles of police administration.
3. The Secretary of Health, Education and Welfare is not obligated to appoint an Advisory Committee and if he chooses to appoint such a committee, its decisions are in no way binding upon the Secretary in any matter; and further, if he appoints the Committee, only two out of 12 positions designated are to be filled by persons representing the police profession; nor are these representatives designated in the Act as full-time professional peace officers.
4. The designation of the committee as 'the Committee on Police Procedures' implies that their jurisdiction may extend beyond that of police selection and training.
5. There are no provisions in the bill to insure that the quality of training is adequate or that the schools meet certain standards. To provide for inspection of schools in local programs from the federal level would require a large staff at great expense.

6. The objective to improve the quality of State and local police forces is commendable; however, the bill would establish 'paper standards' through a very narrow program which disregards many essential areas of the training necessary to equip the modern law enforcement officer to properly fulfill his obligations.
7. The program would duplicate several areas of police training now in existence, principally the extensive field training program of the Federal Bureau of Investigation which conducts the F.B.I. National Academy and thousands of schools throughout the country in all phases of police training, including the specific areas covered in S. 2984.

In the specific field of Constitutional Rights, the F.B.I. has conducted schools for approximately 65,000 police officers, and is actively engaged in an accelerated program in this important area of training.

The federal government for many years has actively engaged in the field of police training through the George-Barden Act of 1946, which provides federal funds for college level vocational training of peace officers.

8. If 50% of the cost of training state, city and county peace officers were matched by the federal government, the costs would be staggering. The necessity for the use of federal funds as provided by the bill is questionable in view of the constantly improving programs being conducted at hundreds of local police academies and colleges and universities offering courses in Police Science, Criminology and Police Administration.

Statewide police training programs and peace officer association programs are also rapidly improving. The California Commission on Peace Officer Standards and Training has on file letters from the following States which either enacted police training programs at the State level or are considering such legislation:

Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, Nevada, Pennsylvania, Oklahoma, Oregon, South Carolina, South Dakota, Texas and Washington; now, therefore, be it

"RESOLVED, That the Commission on Peace Officer Standards and Training opposes U.S. Senate Bill 2984 in principle and as specifically written, but commends the authors for their intent to increase the competency of local and State police officers.

"The Honorable Edmund G. Brown, Governor of California, and the Honorable Stanley Mosk, the Attorney General of California, have recommended that the California Commission on Peace Officer Standards and Training offer their

experience and counsel to the Senate of the United States in matters concerning the recruitment, selection, education and training of local law-enforcement officers. The Commission stands ready to assist in any capacity deemed appropriate."

Motion by Ficklin that the Commission learn what the sense of the Governor's office may be and, if there is no inhibition there, make all efforts available to make the position of the Commission known to the League of California Cities, the American Municipal Association, our State Senators, our Representatives, the County Supervisors' Association and the National Association of County Officials. Seconded by Campen and unanimously carried.

Commissioner Seares, the newly elected President of the Peace Officers' Association of the State of California, stated that he had appointed a sub-committee to study the bill and it was expected the Peace Officers' Association of California would oppose it.

DATE AND PLACE OF NEXT MEETING

Motion by Campen, seconded and unanimously carried that the next meeting be held September 14, 1962.

Motion by Hicks, seconded by Andersen that the meeting be held at Lake Tahoe and that the Executive Officer select the place for the meeting. All in favor except Ficklin, who suggested the meeting be held in Vallejo.

ADJOURNMENT

The Chairman declared the meeting adjourned at 12:20 P.M.

Respectfully submitted,


GENE S. MUEHLEISEN
Executive Officer